

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DELROY A. CHAMBERS, JR. ,

Plaintiff,

v.

Case No.: 2:20-cv-511-FtM-38MRM

SCHIFF REALTY, INC.,

Defendant.

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OPINION AND ORDER¹

Before the Court is Plaintiff Delroy Chambers' Motion for Extension of Time *Nunc Pro Tunc* to Respond to Defendant's Motion to Dismiss, and Request That the Court Vacate Its Order and Opinion ([Doc. 10](#)).

Defendant Schiff Realty, Inc. moved to dismiss Chambers' Complaint on August 11, 2020. Chambers did not timely respond, so the Court considered the motion unopposed. After weighing Schiff's arguments, the Court granted the motion, dismissed Chambers' Complaint without prejudice, and gave Chambers' an opportunity to file an amended complaint. Chambers filed his Amended Complaint on September 1, 2020.

Chambers' counsel now give several reasons why their failure to timely respond was due to excusable neglect. But they also state they never intended to oppose the motion and decided they would instead file an amended complaint. Thus, none of the relief requested in the Motion—extending the time to respond to Schiff's motion to dismiss

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and vacating the Court's order—would have any effect. The Court finds no good cause to grant the Motion.

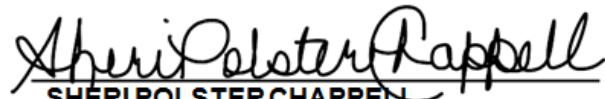
Chambers counsel also express regret that their error caused the Court to expend unnecessary time and resources to rule on a motion that the planned amended complaint would have rendered moot. While the Court appreciates the sentiment, it is ironic considering the time and resources the Court is currently expending to rule on Chambers' entirely futile motion.

Accordingly, it is now

ORDERED:

Plaintiff Delroy Chambers' Motion for Extension of Time *Nunc Pro Tunc* to Respond to Defendant's Motion to Dismiss, and Request That the Court Vacate Its Order and Opinion ([Doc. 10](#)) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida this 4th day of September, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record